IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

Bail Appl..No. 2260 of 2007()

CMP.2595/2006 of J.M.F.C.-II, KOLLAM

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(C.R.No.26/2006 OF KOLLAM EXCISE RANGE)

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PETITIONERS/ACCUSED:

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1. SURESH KUMAR,S/O.BHASKARAN PILLAI,AGED 41 YEARS,RESIDING AT MARUTHARA VEEDU, SAKTHIKULANGARA CHERY,KOLLAM.

2. GOPALAKRISHNA PILLAI,S/O.PADMANABHA PILLAI,AGED 37 YEARS,RESIDING AT THADATHUKIZHAKKATHIL VEEDU,ERUVA PADINJARU DESOM PATHIYOOR VILLAGE,KARTHIKAPALLY TALUK, ALAPPUZHA DISTRICT.

3. SALIM KUMAR,S/O.NEELAKANDAN,AGED 51 YEARS,RESIDING AT NEDIYAZHIKAM VEEDU, VADAKKUMBHAGAM MURI,MUNDAKKAL VILLAGE,KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENT/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2260/2007

Dated this 13th day of April, 2007

O R D E R

The petitioners, who are accused Nos. 1 to 3 in C.R.No.26/2006 of Kollam Excise Range for offences punishable under Section 57-A of the Abkari Act and also under Section 22 (a) of the NDPS Act, seek anticipatory bail.

2. The petitioners are alleged to have mixed toddy with diazepam in toddy shop No.2/05-06 of Kollam Excise Range of which the petitioners 2 and 3 were the licensees and the first petitioner was the salesman.

3. Consequent on the non-appearance of the petitioners in C.P.103/2006 on the file of the J.F.C.M-II, Kollam, non bailable warrants of arrest are pending against the petitioners. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. There is no reason why the petitioners should not surrender before the Magistrate and seek regular bail.

3. Accordingly, if the petitioners surrender before the Magistrate and file applications for regular bail within two

weeks from today, the same shall be considered and disposed of, preferably on the same day on which such applications are filed, after examining the explanation offered by the petitioners for their previous non appearance.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs